

**RECORD OF DECISION
CENTRAL AND SOUTH FLORIDA PROJECT
MODIFIED WATER DELIVERIES TO
EVERGLADES NATIONAL PARK
TAMIAMI TRAIL MODIFICATIONS**

DECISION

The Final Revised General Reevaluation Report and 2nd Supplemental Environmental Impact Statement (RGRR/SEIS) for the Central and Southern Florida Project, Modified Water Deliveries to Everglades National Park, Tamiami Trail Modifications, in Dade County, Florida address the additional water conveyance needs across the Tamiami Trail. Based upon the RGRR/SEIS, views of other Federal, State, and local agencies, Native American Tribes, non-governmental organizations, the general public, and the review by my staff, I find the plan recommended by the District Engineer, Jacksonville District, U.S. Army Corps of Engineers to be technically feasible, environmental justified, cost effective, in accordance with environmental statutes, and in the public interest. The recommendation is to implement the plan identified in the RGRR/SEIS as Alternative 14. This alternative includes the construction of a bridge up to 2-miles long at the western end of the 10.7-mile project corridor, a bridge up to one-mile long at the eastern end, and raising the profile of the unbridged portions of Tamiami Trail.

ALTERNATIVES AND CONSIDERATIONS BALANCED IN MAKING THE DECISION

The project would provide necessary capacity through Tamiami Trail (U.S. Highway 41) for the modified water flows to the Everglades National Park (ENP) while avoiding unacceptable structural impacts on Tamiami Trail due to modified flow regime.

In addition to the no-action alternative, nine other alternatives with removal of portions of the road replaced by one or more bridges of various lengths were carried through the final alternative evaluation and selection process. These included the three different bridge lengths evaluated in the 2003 GRR/SEIS that were withdrawn pending additional analyses. The present document incorporates by reference all the alternatives that were analyzed in the late 1990's and in the 2003 GRR/SEIS, but have subsequently been eliminated from further consideration. The No-Action Alternative would involve making no improvements to the Tamiami Trail to increase the capacity to convey water flows from the north without damaging the Tamiami Trail roadbed. All action alternatives included elevating the unbridged portion of the highway to prevent roadbed deterioration from elevated water levels during high water flows expected after implementation of potential future water management plans, and providing vehicle access, as needed, for the private properties along the south side of the highway. The action alternatives differed in the length of road removal/bridge spans and location. Alternative 9 consisted of a 3000-foot bridge span located at the western portion of the project corridor. Alternative 10 consisted of a centrally located four-mile bridge.

Alternative 11 consisted of an easterly located four-mile bridge. Alternative 12 consisted of a westerly located three-mile bridge. Alternative 13 consisted of a westerly located two-mile bridge. Alternative 14 is described above as the Recommended Plan. Alternative 15 consists of a two bridges with lengths of 1.3 miles and 0.7 miles located to the west and east, respectively. Alternative 16 consists of three 3000-foot bridges located in the western, central, and easterly portions of the project corridor. Alternative 17 consists of a 10.7-mile bridge spanning the entire corridor.

The alternative plans were evaluated based on their potential performance in restoring the historic hydropatterns and functions of the downstream wetland ecosystem in the Northeast Shark River Slough portion of Everglades National Park. Specific efforts were made to avoid or minimize any adverse effects on historical and cultural resources, local businesses, and Native American facilities along Tamiami Trail. Overlaid on this was a fiscal consideration in the allowable cost of construction based on the project budget limit of the Department of Interior (USDOI). Based on the analysis prepared for the RGR/SEIS, input from other agencies, and public input, the environmentally preferable alternative is the 10.7-mile bridge designated as Alternative 17. Alternative 17 was not recommended because of its extremely high cost and significant adverse cultural and socio-economic impacts. Cognizant of the USDOI budget considerations, the Recommended Plan (Alternative 14) would best meet the ecosystem restoration objectives of the project, while minimizing cultural and socio-economic impacts and adverse effects to the private properties along the highway.

MEANS TO AVOID OR MINIMIZE ADVERSE EFFECTS

All practicable means to avoid or minimize adverse effects have been incorporated into the Recommended Plan. The road removal/bridges have been sited where they will allow significant restoration of the downstream wetlands and minimize, as much as possible, impacts to private development and to two wading bird nesting colonies along the highway. Vehicle access will be provided to all businesses during and after construction. Impacts to traffic flow will be minimized by designing the highway construction corridor to allow two-way traffic during non-construction hours in accordance with Florida Department of Transportation (FDOT) standards. The design of the bridges and remaining highway fully meets all FDOT standards for public safety and durability.

Conditions to stringently control turbidity and erosion during construction will be placed into the construction specifications to minimize any impacts to downstream resources. A storm water collection system will be designed into each bridge to treat runoff in order to meet State water quality requirements.

Consultation with the U.S. Fish and Wildlife Service (USFWS) under provisions of the Endangered Species Act on listed species under their jurisdiction has been completed. Formal consultation on the Florida panther resulted in a USFWS Biological Opinion concluding that implementation of the Recommended Plan is not likely to jeopardize the continued existence of the Florida panther. For all other listed species in

the project area, the USFWS agreed with the Corps' determination that the Recommended Plan may affect, but would not be likely to adversely affect, the indigo snake, West Indian manatee, Cape Sable seaside sparrow, and Everglade snail kite.

A cultural resources survey has been conducted and concluded that two properties and the Tamiami Trail and Canal are eligible for listing on the National Register of Historic Places for their historical significance. The State Historic Preservation Officer has concurred with these determinations and will participate in an MOA on appropriate mitigation for impacts to these features.

Government to Government consultation with the Micosukee Tribe of Indians of Florida will continue throughout the project implementation process in fulfillment of the Army's trust responsibilities to the Tribe.

PUBLIC /AGENCY COMMENTS IN THE FINAL EIS

All public comments received on the Final EIS have been addressed and incorporated into the recommended plan, as appropriate. The Miccosukee Tribe of Indians continues to oppose any bridge, preferring that the existing culverts be cleared out and augmented as needed to pass the maximum practicable flows. Non-governmental environmental organizations and their members continue to express a preference for bridging the full 10.7 mile length of the project corridor. The Florida State Clearinghouse determined that the Recommended Plan was consistent with the Florida Coastal Zone Management Program at this stage. The FDOT and the Florida Department of Environmental Protection provided documents supporting the project. No other State agencies had any further comments. The USDOJ provided a letter of support for the Recommended Plan. The U.S. Environmental Protection Agency rated the Plan as LO, Lack of Objection.

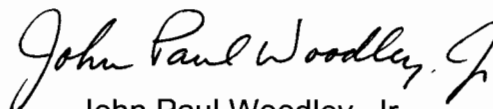
COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

The Recommended Plan is in compliance with all applicable environmental laws and requirements including but not limited to the National Environmental Policy Act, Endangered Species Act, Fish and Wildlife Coordination Act, National Historic Preservation Act, Clean Water Act, Clean Air Act, Coastal Zone Management Act, and Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations." Recommendations from the USFWS under the Fish and Wildlife Coordination Act have been incorporated into the recommended plan. The Draft and Final EISs were distributed for public comment, and all comments were incorporated and considered. The U. S. Fish and Wildlife Service transmitted the final Biological Opinion to the Jacksonville District on January 12, 2006. The Biological Opinion completes compliance with Section 7 of the Endangered Species Act for this phase of the project. As between the Federal Government and the Non-Federal Sponsor, complete financial responsibility for all necessary cleanup and response costs of any CERCLA regulated materials located in, on, or under lands, easements, or rights-of-way that the Federal Government determines to be necessary for the construction,

operation, maintenance, repair or replacement of the project for lands for which the Non-Federal Sponsor has received a land compensation payment. In no event will the Federal Government assume any financial responsibility for cleanup and response costs of any CERCLA regulated materials for any lands associated with the project.

SUMMARY

Technical, environmental and economic criteria used in the formulation of alternative plans were those specified in the Water Resources Council's *Principles and Guideline*. All applicable laws, executive orders, regulations, and local plans were considered in evaluating the alternatives. The recommend plan is not the environmentally preferable plan, but is the one that delivers substantial benefits in a cost effective manner while meeting the overall Federal and State objectives and incorporates features to avoid, minimize, or mitigate adverse environmental and social effects. Based on review of these evaluations, I find that the benefits gained by implementation of the recommended plan far outweigh any adverse impacts and the overall public interest will best be served. This Record of Decision completes the National Environmental Policy Act process.



John Paul Woodley, Jr.
Assistant Secretary of the Army
(Civil Works)

Date: January 25, 2006